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**ADDENDUM TO REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL**

**LEGAL ISSUES ARISING FROM MAYOR  
MURPHY'S RESIGNATION**

This report is an addendum to the report issued on this same date regarding legal issues arising from Mayor Murphy's resignation. Although the report provides basic information on procedures outlined in the City Charter and Municipal Code, it is necessary to clarify and emphasize certain important factors. Most importantly, the City Council must act in good faith as they consider whether to fill the vacancy by appointment or by election. In either case, the City Council must not delay in making this decision. Further, filling the vacancy at the earliest possible time is in the best interests of the citizens of San Diego. In that regard, the Municipal Code must not be interpreted to allow delays in filling the vacancy.

City Charter section 24 states in relevant part:

In the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided, however, that if the Council shall fail to fill such vacancy by appointment within thirty (30) days after the vacancy, the Council must immediately cause an election to be held to fill such vacancy. (emphasis added).

The clear intent of the Charter is for the process of filling a Mayoral vacancy to proceed with all due diligence and speed. The process must not be manipulated for political gain or convenience. As soon as a letter of resignation is received by the City Clerk the City Council must consider whether the vacancy shall be filled by appointment or special election. If a decision is made to fill the vacancy by appointment, the application process must begin immediately, with the appointment process beginning immediately after the date the vacancy actually exists. If a decision is made to call a special election to fill the vacancy, the City Council must immediately call the special election, which must occur within 90 days of the date the election is called.

Respectfully submitted,

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MJA:jb  
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